

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2166 OF 2002

IN

SUIT NO.2702 OF 2002

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Quantum Information Services Ltd.

and anr. ...Plaintiffs

v/s.

Quantum Securities Pvt.Ltd.

and ors. ...Defendants

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Mr.Rahul Chitnis i/b D.S.K.Legal for the Plaintiffs.

Mr.H.W.Kane for the Defendants.

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CORAM: D.K.DESHMUKH, J.

DATED: 25TH AUGUST, 2005

P.C.:

. This Notice of Motion is taken out by the Plaintiffs. The suit of the Plaintiffs is for decree of injunction against the Defendants on the allegation that the Defendant No.1 is trying to pass of its trade name as that of the Plaintiffs. Admitted position is that the Defendant No.1/company is incorporated in the year 1992. Defendant No.1 has filed an affidavit showing extent of business that has been carried out since 1994. Defendant No.1 has also given names of its clients and therefore, it is hard to belief that though the Defendant was operating in the market from 1992, the Plaintiff came to know about the existence of the Defendant No.1 only in 2002. As the Defendant No.1 has been operating since, 1992, in my opinion, it will be inappropriate to issue an order of temporary injunction against the Defendant No.1 after 13 years restraining it from using the trade-name. Though, it is true that there is some degree of similarity in the names of the Plaintiff and the Defendant No.1, the order of temporary injunction is in the

discretion of the court. Therefore, as I find that the case of the Plaintiff that it came to know of the existence of the Defendant No.1 for the first time in the year 2002 cannot be believed at least at this stage, I am not inclined to grant any temporary injunction in favour of the Plaintiffs. Notice of Motion is disposed of.

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